

REMARKS

The Applicant appreciates the thorough review of the application by the Examiner and the indication of allowable subject matter. Reconsideration and allowance of all claims as amended are requested.

By this amendment, Claims 1, 2, 4, 15, 17, and 20 are amended. No new matter has been added by this amendment. Claims 1, 2, and 15 have been amended for clarity to overcome the 35 U.S.C. 112 rejection. The Specification has been amended accordingly. Claims 4 and 17 have been rewritten in independent form to place them in condition for allowance. Although Applicant disagrees with the rejections of record, Claims 1 – 20 have also been amended in accordance with the drawings and description to further distinguish the claimed invention from the applied reference.

Claims 11 – 14 and 18 – 19 are withdrawn. Claims 1 – 10, 15 – 17 and 20 remain pending in the application, including independent Claims 1, 4, 15, 17, and 20.

Claims 1-3, 15, 16, and 20 are patentable under 35 U.S.C. § 102(b) over Leopoldi (US 4,071,165).

For an invention to be anticipated, it must be demonstrated that each and every element of the claimed invention is present in the "four corners" of a single prior art, either expressly described therein or under the principle of inherency. Lewmar Marine Inc. v Barient Inc., 3 USPQ2d 1766, 1767-1768 (Fed. Cir. 1987) (emphasis added). The absence from a prior art reference of any claimed element negates anticipation. Kloster Speedsteel AB v. Crucible, Inc., 230 USPQ 81, 84 (Fed. Cir. 1986).

Claim 1 differs from Leopoldi at least in that it teaches that lifting the lever moves the tip of the extension in the container and slides the at least one movable strip outward from the container. This is a structural difference resulting from the differing dispensing arrangements of the claimed invention and of Leopoldi. Claims 2 and 3 depend from and share the patentable features of independent Claim 1 and add further patentable limitations.

Claim 2 adds that the lever is a cover and is pivoted on a hinge connected to the container. Claim 3 depends from Claim 2 and adds that the extension extends in a direction from the hinge opposite a direction of the lever. Leopoldi does not teach or suggest all of these limitations. The elements 22,19 identified by the Examiner as the extension and lever do not extend in opposite directions from the hinge. There appears to be a variable angle of up to about 45 degrees between these elements.

Claim 15 is distinguished from Leopoldi at least in that it teaches opening the dispensing opening, sliding a side of the tip opposite the friction surface over the at least one strip and closing the dispensing opening. Leopoldi does not teach or suggest these features. The Examiner has not cited any elements of the reference alleged to read on these patentable limitations, nor has any explanation been given as to how these limitations are met by the prior art.

Claim 16 depends from and shares the patentable features of independent and patentable Claim 15 and adds that initiating of the moving of the lever moves the tip of the extension inward in the container and toward the at least one strip, and wherein completing the moving of the lever and extension in the opposite direction moves the tip of the extension away from a next adjacent at least one strip. Leopoldi does not teach or suggest these limitations. As can be seen

in Figure 4 of Leopoldi, in its “resting position” element 22 is pressed against an underlying sheet of paper. Pressing on element 19 results in element 22 moving towards the outside of the container and maintaining its position with respect to the underlying sheet of paper. When one strip of paper is removed, element 22 is in contact with the piece of paper beneath it, and stays in contact with it when returning to its original position.

Claim 20 differs from Leopoldi at least in that it teaches lifting the cover moves the extension tip in the container and slides the upper strip outward through an end opening in the container. Leopoldi does not teach or suggest this feature.

As explained above, Leopoldi fails to teach or suggest each and every limitation of Claims 1 – 3, 15, 16, and 20 as amended. For at least the above reasons, the rejection of Claims 1 – 3, 15, 16, and 20 under 35 U.S.C. 102(b) over Leopoldi is improper and should be withdrawn.

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CONCLUSION

Reconsideration and allowance of all claims are respectfully requested.

Respectfully,



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